



AMENDMENT OF REPORT 8.3 LOCAL LAW NO.1 COMMUNITY AMENITY, PRESENTED TO COUNCIL ON 1 NOVEMBER 2017

**EXECUTIVE MEMBER:** FIONA BLAIR, GENERAL MANAGER, INFRASTRUCTURE & AMENITY

**PREPARED BY:** LILI ROSIC, MANAGER SAFETY AND AMENITY  
FIONA BLAIR, GENERAL MANAGER

**1. PURPOSE**

- 1.1 To amend the public record of *Report 8.3 Local Law No.1 Community Amenity*, presented to Council on 1 November 2017, which incorrectly stated - via the inclusion of paragraph 3.4.11 - that new exemptions for camping were taking effect. The inclusion of this paragraph has led to public confusion regarding when this provision was adopted into the Local Law No. 1, and should be publicly retracted for clarity.

**2. EXECUTIVE SUMMARY**

- 2.1 On 1 November 2017 Council adopted the Local Law No. 1 (Community Amenity), amendments to include enhanced definitions, improved clarity of clauses, and development of new clauses to be able to more effectively respond to local issues and enforce compliance.
- 2.2 The Local Law No. 1 (Community Amenity) was presented by an officer's report which contained an incorrect paragraph:
- "3.4.11 Clause 53, Camping on Council land, has been amended to include exemptions for camping by homeless and persons with complex needs. This adds clarity to the definition of homeless and exemptions. "*
- 2.3 Clause 53 Camping on Council Land of the adopted Local Law No. 1 does not include any new exemptions for camping on Council land or in a public place. The reference in clause 53(2) to camping by a person who establishes they are homeless or in need of secure accommodation or has complex needs being not guilty of an offence under Clause 53 has been an existing provision of the Local Law No. 1 since the local law was made by Council on 24 September 2001 (clause 44A(3)).
- 2.4 The incorrect paragraph 3.4.11 of the officer's report has led to confusion by some members of the public, and Council seeks to amend the public record and confirm that this paragraph does not accurately reflect the local law document.



### 3. RECOMMENDATION

That Council:

- 3.1 States on public record that Council Report 8.3 Local Law No.1 Community Amenity, presented to Council on 1 November 2017, incorrectly stated, via the inclusion of paragraph 3.4.11, that “Clause 53, Camping on Council land, has been amended to include exemptions for camping by homeless and persons with complex needs. This adds clarity to the definition of homeless and exemptions”.
- 3.2 Notes that the Community Amenity Local Law No.1 adopted by Council on 24 September 2001 contains in part the following clause:  
*44A(3) A person is not guilty of an offence under sub-clause (1) where that person establishes that he or she -*
  - (a) is homeless or is in need of secure accommodation; or*
  - (b) has complex needs or is in need of additional assistance because of a mental or physical disability or illness*
- 3.3 Notes that Council Report 8.3 Local Law No.1 Community Amenity, presented to Council on 1 November 2017, and publicly available on the website, will be annotated accordingly.

**TRIM FILE NO:** 16/16/35

**ATTACHMENTS** Nil